

## MEMORANDUM

Agenda Item No. 11(A)(20)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** March 6, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution directing County  
Manager to study creation of a  
voluntary "Miami-Dade Trans  
Fat Free Program"

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez, Commissioner Dennis C. Moss, Commissioner Katy Sorenson, Commissioner Rebeca Sosa and Sen. Javier D. Souto.



Murray A. Greenberg  
County Attorney

MAG/jls

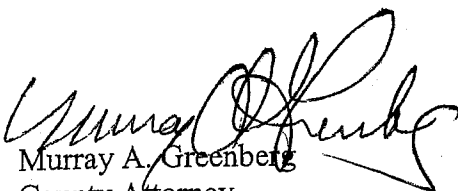


# MEMORANDUM

(Revised)

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FROM:   
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County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(20)  
3-6-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MANAGER TO STUDY THE CREATION OF A VOLUNTARY "MIAMI-DADE TRANS FAT FREE PROGRAM" AND A PROGRAM TO PROVIDE EDUCATION AND GUIDANCE TO RESTAURANTS, BAKERIES AND THE PUBLIC REGARDING THE NEGATIVE HEALTH EFFECTS OF TRANS FATS; URGING RESTAURANTS AND BAKERIES IN MIAMI-DADE COUNTY TO ELIMINATE VOLUNTARILY THE USE OF TRANS FATS IN THE FOODS THEY SERVE; URGING THE FLORIDA LEGISLATURE TO BAN OR REGULATE THE USE OF TRANS FATS AT RESTAURANTS AND BAKERIES

**WHEREAS**, trans fats are chemically-engineered cooking oils that, at high levels of consumption, have been found to increase LDL ("bad") cholesterol and decrease HDL ("good") cholesterol; and

**WHEREAS**, trans fats are found in fried foods and baked goods, including French fries, doughnuts, pastries, pie crusts, biscuits, pizza dough, snack chips, cookies, crackers, stick margarines, and shortenings; and

**WHEREAS**, one Harvard cardiologist/epidemiologist calculated that up to 22 percent of heart attacks in the United States are the result of trans fat consumption; and

**WHEREAS**, trans fats harden artery walls increasing blood pressure and increase dangerous inflammation that can contribute to the onset of diabetes; and

**WHEREAS**, trans fats are much more unhealthy than even naturally-occurring saturated fats such as those found in butter; and

**WHEREAS**, effective January 1, 2006, the Food and Drug Administration (FDA) required food companies to list trans fat content separately on the Nutrition Facts panel of all packaged foods, such as snack chips and cookies; and

**WHEREAS**, the FDA's action has caused many food manufacturers, such as Frito-Lay, Pepperidge Farms, Country Crock, Lean Cuisine, and Kellogg's, to reformulate their foods to be able to show 0g trans fat per serving; and

**WHEREAS**, the FDA regulation does not apply to restaurants, and many restaurants have lagged behind food manufacturers in their efforts to eliminate or reduce trans fats; and

**WHEREAS**, on December 5, 2006, New York City became the first city in the nation to ban artery-clogging artificial trans fats at restaurants; and

**WHEREAS**, other cities and counties around the nation are currently considering such legislation, including the Cities of Cleveland, Chicago and Louisville; and

**WHEREAS**, cities and counties in Florida are preempted from passing legislation banning trans fats at restaurants because the State of Florida currently has exclusive jurisdiction to regulate restaurants pursuant to Chapter 509, Florida Statutes; and

**WHEREAS**, the use of trans fats could only be banned or regulated by the Florida Legislature under existing law; and

**WHEREAS**, State Representative Joseph A. "Joe" Gibbons of Pembroke Park, Florida, has filed HB 309 for the 2007 state legislative session, that would require restaurants that serve foods containing trans fats to post a sign in a conspicuous place that states as follows:

Some foods served here contain trans fats. Eating foods with trans fats can increase your risk of stroke and heart attack;

and

**WHEREAS**, the American Heart Association supports regulatory efforts to reduce trans fats in packaged foods, baked goods and restaurant meals, but encourages a comprehensive “phased-in approach” to eliminating the use of trans fats, which ensures that a sufficient supply of healthier alternative cooking oils and shortenings are available to restaurants and bakeries to prevent the substitution of unhealthy alternatives; and

**WHEREAS**, eliminating or reducing the consumption of artificial trans fats has the promise of substantially improving the public health, and correspondingly reducing health care costs,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Directs the County Manager to study the creation of a voluntary “Miami-Dade Trans Fat Free Program” that would allow restaurants and bakeries in Miami-Dade County to prominently display a sticker or sign indicating that they voluntarily have agreed not to use trans fats in the foods they serve; and to report back to this Board within sixty (60) days.

**Section 2.** Directs the County Manager to study the creation of a informational program to provide education and guidance to restaurants, bakeries and the public in Miami-Dade County, and in particular small “mom and pop” restaurants and bakeries, regarding the negative health effects of trans fats, and the availability of alternative oils and fats that can meet the frying and baking needs in their establishments; and to report back to this Board within sixty (60) days.

**Section 3.** Urges restaurants and bakeries in Miami-Dade County voluntarily to eliminate the use of trans fats and replace trans fats with more health cooking oils in the foods they serve.

**Section 4.** Urges the Florida Legislature to ban or regulate the use of trans fats at restaurants and bakeries through a comprehensive and phased-in strategy that ensures that a sufficient supply of healthier alternative cooking oils are available to restaurants and bakeries to avoid the substitution of unhealthy alternatives.

**Section 5.** Supports the passage of HB 309 or similar legislation, that requires restaurants and bakeries to disclose that they are using trans fats in the foods they serve.

**Section 6.** Urges the Florida Department of Business and Professional Regulation, which has regulatory oversight over restaurants in Florida, and the Florida Department of Health to undertake meaningful regulatory and educational measures that will reduce or eliminate the use of trans fats in Florida restaurants and the consumption of trans fats by Floridians.

**Section 7.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Representative Joseph A. "Joe" Gibbons, the Secretary of the Florida Department of Business and Professional Regulation, the Secretary of the Florida Department of Health, and the Florida Restaurant Association.

**Section 8.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 4, 5 and 6 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez, Commissioner Dennis C. Moss, Commissioner Katy Sorenson, Commissioner Rebeca Sosa and Sen. Javier D. Souto. and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman  
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz  
Carlos A. Gimenez  
Joe A. Martinez  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Audrey M. Edmonson  
Sally A. Heyman  
Dennis C. Moss  
Natacha Seijas  
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

JMM

Jess M. McCarty